

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

United States of America

v.

MICHAEL HARRIS

Defendant(s)

Case No.

3:22-MJ-1110

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 24, 2022 in the county of Knox in the
Eastern District of Tennessee, the defendant(s) violated:

Code Section

21 U.S.C. §§ 841(a)(1), and 841(b)
 (1)(A)
 18 U.S.C. § 922(g)
 18 U.S.C. § 1201

Offense Description

Possession with intent to distribute 50 grams or more of a mixture and
 substance containing a detectable amount of methamphetamine, a Schedule
 II controlled substance.
 Felon in Possession of a firearm.
 Kidnapping

This criminal complaint is based on these facts:

Please see the attached affidavit of ATF SA Tyler Kilday.

☐ Continued on the attached sheet.

Tyler Kilday

Complainant's signature

Tyler Kilday ATF SA

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/25/2022City and state: Knoxville, Tennessee

Debra C. Poplin

Judge's signature

Debra C. Poplin, United States Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

IN THE MATTER OF A CRIMINAL COMPLAINT)
AND ARREST WARRANT FOR:)
MICHAEL HARRIS)

3:22-MJ- 1110

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, Tyler Kilday, being duly sworn, deposes and says:

INTRODUCTION AND AGENT BACKGROUND

- 1) I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), in that I am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.
- 2) I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, assigned to the Knoxville, Tennessee Office and have been so employed since 2009. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. As a result of my training and experience as an ATF Special Agent, I am familiar with Federal Firearms and Narcotics laws. I have investigated numerous cases involving firearms and narcotics related crimes.
- 3) This affidavit is submitted in support of an application for the arrest warrant of Michael HARRIS for violations of 18 U.S.C. § 1201 (kidnapping of a person assisting a federal officer in the performance of such duties and on account of that assistance), 18 U.S.C. § 922(g) (felon in possession of firearms and ammunition), and 21 U.S.C. § 841(a)(1)(A).

4) As a result of my employment, training, and experience as an ATF Special Agent, I have received training in connection with, and conducted investigations of violations of the National Firearms Act, Gun Control Act, Title 18, United States Code, Sections 922(g), 924(c) and others. I have also received training and conducted investigations involving unregistered weapons that fall under the National Firearms Act of 1934 within Title 26 of the United States Code. I have also received extensive training on investigating narcotics offenses, money laundering and drug trafficking operations.

5) I currently work in the Knoxville Field Office of the ATF. During my tenure as an ATF Special Agent, I have investigated numerous crimes including, but not limited to, felons in possession of firearms, unregistered weapons that fall under the National Firearms Act (Title 26 U.S.C), narcotics trafficking, to include narcotics trafficking involving firearms possession and use, home invasions, bank fraud and identity theft. I have become familiar with the methods, operations, and schemes commonly employed by individuals involved in the violation of narcotics and firearms statutes through my training and prior experience; including previous cases I have investigated with other municipal, state, and federal agents. I have investigated cases in the Eastern District of Tennessee involving violations of state and federal narcotics and firearms statutes and, as a result, I have been successful in arresting and convicting numerous individuals associated with narcotics distribution and illegal firearms possession. I have been involved in the execution of numerous search warrants dealing with the detection and investigation of federal narcotics and firearms violations. I have participated in federal and state wiretap investigations and prosecutions. As a result of these investigations and prosecutions, I have become aware of various methods and techniques

utilized by individuals within the Eastern District of Tennessee and elsewhere to sell and distribute illegal firearms and narcotics.

6) The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

7) The court has jurisdiction to issue the proposed warrant because it is a “court of competent jurisdiction” as defined in 18 U.S.C. § 2711. Specifically, the Court is a district court of the United States that has jurisdiction over the offense being investigated.

8) As relevant to this affidavit, I know through my training and experience, discussions with other law enforcement agents, and my participation in other investigations involving firearms, I know the following:

- It is common for private sellers and vendors at gun shows to sell firearms without requiring identification and without conducting even minimal background checks.
- It is common for prohibited persons and drug traffickers to arrange for “straw purchases.” A “straw purchase” involves buying firearms for another person who may be otherwise prohibited or who does not want to be associated with the purchase of the firearm).
- It is common for prohibited persons and “straw purchasers” to buy firearms at gun shows.
- Individuals who make straw purchases of firearms often use Facetime to communicate with actual buyers while at gun shows and at firearms dealers.

Probable Cause

9) For at least the last year, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has been investigating illegal firearms purchases occurring at gun shows throughout the Eastern District of Tennessee. The investigation relies on the assistance of members of the Knoxville Police Department, Organized Crime Unit (KPD OCU) and other state and local law enforcement agencies. On April 24, 2022, members of the ATF and KPD OCU conducted a surveillance operation at the RK Gun Show, located at 5441 Clinton Highway, I-75 Expo Center in Knoxville, TN. The purpose of the operation was to gain intelligence and possibly identify vendors who are dealing firearms without a Federal Firearms License (Hereinafter "FFL"), persons prohibited from owning/possessing firearms, and known gang members (due to the propensity for violence and adjacent criminal conduct). ATF agents were also attempting to identify individuals who may be conducting "straw purchases."

10) Before surveillance began, ATF Task Force Officer (TFO) Todd Strickenberger and I briefed ATF Special Agents and local law enforcement officers, including KPD OCU and Knoxville County Sheriff's Office, on certain indicators of straw purchasing. Those indicators included, identifying individuals/purchasers who appear to be using Facetime during firearm purchases and while shopping, individuals wearing gang colors, groups of individuals who appear to be looking or shopping together, but with one purchaser in the group, any known felons or other known prohibited persons, and other abnormal behaviors. Law enforcement officers were also instructed by ATF to surveil those individuals and try to maintain surveillance of individuals engaging in suspicious behavior. As part of the operation, ATF TFO Strickenberger designated ATF Special Agents and local law

enforcement officers to position themselves inside the Expo Center and in the parking lot of the Expo Center. KPD Officers, at ATF's request, were located outside the Expo Center.

11) During surveillance on April 24, 2022, ATF TFO Strickenberger and I observed an unknown black male wearing a red hat and red shorts who purchased several firearms and firearm accessories at various vendors located inside the R.K. gun show. I know that the color red is a gang color for the Bloods, an established national gang. I continued to observe him and noticed that the unidentified black male used Facetime as he walked around the gun show showing guns and accessories to an unknown individual on the phone.

12) Due to this suspicious activity, Officers and Agents followed the unknown black male to a vehicle in the parking lot of the Knoxville Expo center. The unidentified black male was observed loading firearms and firearm accessories into the back of a red Chrysler minivan. Notably, the black male had to make several trips to his vehicle from the gun show due to the amount of firearms and accessories he purchased.

13) Officers also noticed an unidentified Hispanic female in the passenger seat of the Chrysler minivan. The unidentified black male returned to the gun show after dropping off what he had purchased. The unidentified black male walked around the gun show looking at other firearms before returning to his vehicle.

14) Law enforcement observed the tag number to the red Chrysler minivan - Florida tag 72ABEP. Law enforcement quickly ran the tag number and learned that the vehicle was a rental vehicle.

15) Eventually, officers and Agents observed the unidentified black male return to the red Chrysler minivan and enter the driver's seat of the vehicle. He and the unidentified Hispanic female then exited the parking lot of the Knoxville Expo Center. The vehicle

traveled South on Clinton Highway and went to the Popeye's restaurant located at 4801 Clinton Highway, Knoxville, TN 37912. The vehicle made an apparent evasive maneuver in the Popeye's parking lot and then began traveling South on Clinton Highway. At this point, Knox County Sheriff's Officer Marcus Parton working on this investigation, observed the Chrysler minivan make an improper lane change. Specifically, the officer observed the vehicle at an intersection in a "straight only" lane, however, the driver of the minivan turned left, violating the "straight only" signage and improperly crossing into the left turn lane.

16) Officer Parton briefly lost sight of the vehicle until he observed it traveling on Inskip Drive then turn North on Clinton Highway. Officer Parton was able to regain surveillance behind the minivan as it traveled northbound on Clinton Highway towards Merchants Drive. Officer Parton communicated the location of minivan to participating units. From there, KPD officers Wiesenberg and Sgt. M.G. who were pre-designated to assist in the ATF investigation, located the vehicle parked in a parking spot at the Shell gas station located at 6730 Clinton Highway, Knoxville, TN 37912. At this point, Officer Wiesenberg and Sgt. M.G. activated their emergency equipment ("blue lights") on their marked vehicles and approached the red Chrysler minivan bearing Florida tag 72ABEP and attempted to conduct a traffic stop.

17) Knoxville Police Officers approached the vehicle. Officers immediately smelled the odor of marijuana emanating from the vehicle. At this time, the officers asked the driver of the vehicle to exit; the passenger had already exited the vehicle and entered the gas station. The driver exited the vehicle and turned over his Michigan driver's license to the officers and he was identified as Michael HARRIS, DOB: 7/5/1986. The passenger was later identified as Alisia Jiminez.

18) After HARRIS exited the vehicle, KPD Sgt. M.G. began to search the interior of the vehicle due to the smell of marijuana emanating from it. Meanwhile, HARRIS was standing outside the vehicle approximately 10 feet behind the Chrysler minivan next to the KPD police cruiser.

19) While Sgt. M.G. searched the backseat of the vehicle, HARRIS, who was unrestrained at that moment, fled, entered the driver's seat of the Chrysler minivan. Officer Chandler deployed a taser, which hit HARRIS but did not incapacitate him. HARRIS began driving North on Clinton Highway. Sgt. M.G. was trapped in the backseat of the minivan.

20) In the vehicle, Sgt. M.G. attempted to subdue HARRIS and gain control of the vehicle; a struggle ensued. HARRIS drove the vehicle into the South bound lane of Clinton Highway and hit a vehicle head on causing violent crash. Even so, HARRIS exited the vehicle and attempted to flee on foot. HARRIS was apprehended a short time later in the adjacent woods. Sgt. M.G. sustained serious injuries during the crash that resulted in significant blood loss and a badly broken arm. Sgt. M.G. was transported to a local hospital where he continues to receive treatment.

21) Law enforcement officers completed the search of the vehicle, now incident to arrest, and recovered the following:

- 929.6 grams of a crystal-like substance which field tested positive as methamphetamine.
- 15.2 grams of marijuana
- 2.4 grams of suspected heroin
- Smith And Wesson, Model M&P, .40 caliber pistol bearing serial number DYA4996

- American Tactical, multi caliber lower receiver bearing serial number MSA029940
- Glock slide bearing serial number TKG021
- Two upper receivers for an AR type rifle
- One, One Hundred round drum magazine for caliber 5.56
- One Sixty round drum magazine for caliber 5.56
- One Fifty round drum magazine for caliber 7.62x39
- One Thirty round stick magazine for 9mm
- One Twenty-Five round stick magazine for .40 caliber
- One Seventeen round Glock magazine
- Twenty-six rounds of 5.56 caliber ammunition
- Seventeen rounds of 9mm ammunition
- Forty-Nine rounds of Sig .357 ammunition
- \$7,107.00 in U.S. Currency

22) HARRIS was transported to KPD OCU for interviews.

23) HARRIS was interviewed by ATF TFO Strickenberger, Knox County Detective John Sharp, and myself. HARRIS was read his *Miranda* Rights by ATF TFO Strickenberger. HARRIS agreed to talk and signed a *Miranda* Rights form. HARRIS admitted that he was a previously-convicted felon. HARRIS was asked if he knew that he was not allowed to possess or handle firearms. HARRIS stated that he did know that he could not possess or handle firearms. When asked why he was at the gun show buying firearms, HARRIS stated that he “just likes guns.” HARRIS admitted to purchasing all the firearms and accessories that were found in his vehicle at the gun show that same day.

24) HARRIS also explained that he purchased the firearms from dealers at the gun show who did not make him fill out paperwork or ask for identification. HARRIS admitted that he had \$7,000 in his pocket, which officers located upon HARRIS' capture.

25) HARRIS was then asked about the methamphetamine that was located in the vehicle. HARRIS admitted that the methamphetamine was his and that he sells methamphetamine. HARRIS stated that his source of supply for the methamphetamine was not a local source but did not give any further details. HARRIS was asked if there was a reason why he was wearing a red hat and red shorts at the gun show. HARRIS admitted that he was affiliated with the Blood street gang in the Detroit area.

26) HARRIS has previous felony convictions for:

- 2006 - Receiving and concealing stolen property
- 2006 – Felony fleeing from police
- 2006 – Armed Robbery
- 2006 – Felony Home Invasion
- 2006 – Conspiracy to commit felony home invasion
- 2014 – Felony controlled substance

27) Jiminez was read her *Miranda* rights by ATF TFO Strickenberger, and she stated that she did not wish to speak without an attorney present. Not interview was conducted.

28) The pictures below display the firearms, firearms accessories, narcotics and U.S. Currency seized during the investigation as well as HARRIS inside shopping at the gun show.

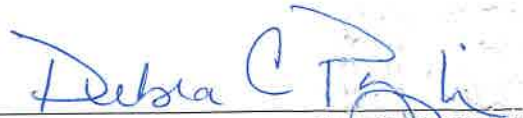
29) The firearms and ammunition recovered from the Chrysler minivan were manufactured outside the state of Tennessee.

30) Based on the forgoing, there is probable cause to believe that on April 24, 2022, in the Eastern District of Tennessee, HARRIS, unlawfully seized, confined, kidnapped, and abducted a person, specifically Sgt. M.G., who is among those officers and employees described in 18 U.S.C. 114, while Sgt. M.G. was engaged in the performance of his official duties, in violation of 18 U.S.C. § 1201. HARRIS is also a prior convicted felon, and possessed firearms and ammunition, in violation of 18 U.S.C. § 922(g). Further, HARRIS did knowingly possess with intent to distribute 50 grams or more of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(A).



Tyler Kilday
Special Agent ATF

SUBSCRIBED and SWORN before me this 25 day of April, 2022



DEBRA C. POPLIN
UNITED STATES MAGISTRATE JUDGE